



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

Melburn K. Huebner, M.D.

Respondent Name

Bridgefield Casualty Insurance

MFDR Tracking Number

M4-17-3586-01

Carrier's Austin Representative

Box Number 17

MFDR Date Received

August 9, 2017

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "The total MAR for an MMI/IR examination shall be equal to the MMI evaluation reimbursement (\$350.00) plus the reimbursement for the body area(s), see Section 4 C, evaluated for the assignment of an IR, the first body area is \$300.00."

Amount in Dispute: \$450.00

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "DWC Rule 134.204(j)(3)(C) states the doctor shall be reimbursed \$350.00 for an examination to determine MMI. Respondent did reimburse \$350.00 for the MMI portion of the examination.

With regard to the impairment rating, the designated doctor's report clearly states the AMA 4th Edition was used, and the Claimant was 'placed in the DRE Cervicothoracic Category Level of I' and 'placed in the DRE Lumbosacral Category Level of I.' ... Therefore, Respondent properly reimbursement Requestor \$150.00 for the impairment rating portion of the examination."

Response Submitted by: Downs-Stanford, P.C.

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
March 29, 2017	Referral Doctor Examination to Determine Maximum Medical Improvement & Impairment Rating	\$450.00	\$150.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.250 sets out the fee guidelines for examinations to determine maximum

medical improvement and impairment rating performed on or after September 1, 2016.

3. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
- P12 – Workers compensation jurisdictional fee schedule adjustment. PPO not utilized per agreement
 - 18 – Exact duplicate claim/service. Duplicate charge.
 - 193 – Original payment decision is being maintained. Upon review, it was determined that this claim was processed properly.

Issues

Is Melburn K. Huebner, M.D. entitled to additional reimbursement for the disputed services?

Findings

Dr. Huebner is seeking an additional reimbursement of \$150.00 for a designated doctor examination to determine maximum medical improvement and impairment rating performed on October 12, 2016.

Per 28 Texas Administrative Code §134.250(3), “The following applies for billing and reimbursement of an MMI evaluation... (C) An examining doctor, other than the treating doctor, shall bill using CPT Code 99456. Reimbursement shall be \$350.” The submitted documentation supports that Dr. Huebner performed an evaluation of maximum medical improvement. Therefore, the maximum allowable reimbursement (MAR) for this examination is \$350.00.

Per 28 Texas Administrative Code §134.250(4), “The following applies for billing and reimbursement of an IR evaluation. ... (C)(ii) The MAR for musculoskeletal body areas shall be as follows. ... (II) If full physical evaluation, with range of motion, is **performed** [emphasis added]: (-a-) \$300 for the first musculoskeletal body area.” The submitted documentation supports that Dr. Huebner provided an impairment rating, which included a musculoskeletal body part, and performed a full physical evaluation with range of motion of the cervical and lumbar spine. Therefore, the MAR for this examination is \$300.00.

The total allowable for the disputed services is \$650.00. Bridefield Casualty Insurance reimbursed \$500.00. An additional \$150.00 is recommended.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$150.00.

ORDER

Based on the submitted information, pursuant to Texas Labor Code Section 413.031 and 413.019 (if applicable), the division has determined the requestor is entitled to additional reimbursement for the disputed services. The division hereby ORDERS the respondent to remit to the requestor \$150.00, plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this order.

Authorized Signature

Signature

Laurie Garnes
Medical Fee Dispute Resolution Officer

October 6, 2017
Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with Rule §133.307, effective May 31, 2012, *37 Texas Register 3833*, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MFDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.